

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABDELLA H. ESSABER,
Petitioner,

v.

JOSEPH F. McDONOUGH, et al.
Respondent.

CIVIL ACTION

NO. 04-11358-GAO

ORDER

O'TOOLE, JR., D. J.

On June 16, 2004, petitioner Abdella Essaber, an immigration detainee confined at the Plymouth County Correctional Facility, filed a petition for a writ of habeas corpus under Section 2241 but did not pay the \$5 filing fee for this action or submit an application to proceed without prepayment of fees.

Essaber's handwritten petition is far from clear. He has copied portions of a service order issued by this Court for Section 2241 petitions, and none of the provisions listed provides a basis for habeas relief. Essaber may be seeking an order directing the respondent to allow him to voluntarily depart. Petition, p. 1-2. He has attached a copy of a decision of an immigration judge granting him voluntary removal until May 24, 2004, but ordering that Essaber remain in custody until his departure.¹ Petition, Exhibits.

Because the Court cannot determine from the face of the petition what relief Essaber seeks and whether he is entitled to such relief, Essaber will be directed to file an amendment to his petition stating the basis for his order of removal, whether he has appealed his order of removal to the Board of Immigration Appeals, what relief he seeks, and his basis for seeking that relief within 42 days of the date of this Order. He also is directed to pay the \$5 filing fee for this action or file an application to proceed without

¹I note, merely as an aside, that the immigration judge's decision also states that an extension of Essaber's departure date may be granted by the District Director upon request. Id.

prepayment of fees to seek a waiver of the filing fee.

The Clerk shall send Essaber (1) an application to proceed without prepayment of fees; (2) a "Step by Step Guide to Filing a Civil Action" in this Court; and (3) a list of immigration legal service providers with a copy of this Order.

SO ORDERED.

June 22, 2004
Date

s/ George A. O'Toole, Jr.
United States District Judge

(2241servINS.wpd - 09/00)

[2241serv.]